



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

November 5, 2013

Ordinance 17691

**Proposed No.** 2013-0430.2

**Sponsors** McDermott

1 AN ORDINANCE relating to fees and other charges for  
2 processing real estate services section permits that  
3 authorize the use of King County property; and amending  
4 Ordinance 12045, Section 11, as amended, and K.C.C.  
5 4.56.115, Ordinance 17515, Section 2, and K.C.C.  
6 4A.675.010, Ordinance 17515, Section 4, and K.C.C.  
7 4A.675.020, Ordinance 17515, Section 8, and K.C.C.  
8 4A.675.030, Ordinance 17515, Section 11, and K.C.C.  
9 4A.675.050, Ordinance 17515, Section 13, and K.C.C.  
10 4A.675.060, Ordinance 10171, Section 1, as amended, and  
11 K.C.C. 6.27.054, Ordinance 6254, Section 8, and K.C.C.  
12 14.30.080, Ordinance 1711, Section 1, as amended and  
13 K.C.C. 14.44.010, Ordinance 1711, Section 2, as amended  
14 and K.C.C. 14.44.020, Ordinance 1711, Section 4, as  
15 amended and K.C.C. 14.44.040, Ordinance 1711, Section  
16 7, as amended, and K.C.C. 14.44.070, Ordinance 14264,  
17 Section 9, and K.C.C. 14.44.115, Ordinance 13734, Section  
18 6, and K.C.C. 14.45.040, Ordinance 13734, Section 9, as  
19 amended, and K.C.C. 14.45.070, Ordinance 13734, Section

20 10, as amended, and K.C.C. 14.45.080 and Ordinance  
21 4099, Section 9, as amended, and K.C.C. 14.46.090.

22 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

23 SECTION 1. Ordinance 12045, Section 11, as amended, and K.C.C. 4.56.115 are  
24 each hereby amended as follows:

25 A. The executive is authorized to execute utility easements, bills of sale or related  
26 documents necessary for the installation, operation and maintenance of utilities to county  
27 property, provided that the documents are reviewed and approved by the custodial  
28 department or agency and the real estate services section of the facilities management  
29 division. Temporary and permanent easements for utility purposes other than service to  
30 county property may be granted by the executive if the easements will not interfere with  
31 or hinder the use of the property by the custodial department or agency though the utility  
32 easements that exceed fifty thousand dollars in value shall be subject to prior approval by  
33 ordinance. Any other permanent easements granted by the county shall be subject to  
34 prior approval by ordinance when the value of the easement would exceed fifty thousand  
35 dollars. A party requesting a new easement, amended easement or easement transfer  
36 shall pay an easement application fee as set forth in K.C.C. 4A.675.010. The fee is for  
37 reimbursement to the real estate services section for the administrative costs and expenses  
38 incurred in the processing ~~((of))~~ the easement application. The easement application fee  
39 is payable at the time the easement is requested from the real estate services section. The  
40 easement application fee and other fees are not refundable, even if the application is  
41 disapproved or not executed by the applicant. In addition, the real estate services section  
42 shall have the authority to require applicants to reimburse the real estate services section

43 for the actual costs and all expenses incurred by the real estate services section as a result  
44 of the grant, issuance, ~~((or))~~ renewal ~~((or))~~ or amendment of an easement, to the extent  
45 the costs exceed the costs of processing the easement application recovered by the  
46 application fee. The payment of actual costs balances shall be made at the time of the  
47 easement issuance.

48 B. The executive is authorized to relinquish any easements granted to the county  
49 which are determined to be surplus to the county's foreseeable needs or to trade an  
50 easement for real property or easements of a similar nature and value, though  
51 relinquishments of easements where the county spent more than fifty thousand dollars in  
52 their acquisition shall be subject to prior approval by ordinance.

53 SECTION 2. Ordinance 17515, Section 2, and K.C.C. 4A.675.010 are each  
54 hereby amended as follows:

55 The easement application fee for a party requesting a new easement, amended  
56 easement or easement transfer under K.C.C. 4.56.115 is three thousand dollars, plus  
57 actual costs and all expenses incurred by the real estate services section in excess of this  
58 fee as specified in K.C.C. 4.56.115.

59 SECTION 3. Ordinance 17515, Section 4, and K.C.C. 4A.675.020 are each  
60 hereby amended as follows:

61 A. The franchise application fee for a party requesting a new franchise, amended  
62 franchise, renewal, extension of an existing franchise or transfer under K.C.C. 6.27.054 is  
63 two thousand five hundred dollars.

64 B. The advertising fee under K.C.C. 6.27.054 is the full advertising costs  
65 associated with the application.

66 C. The real estate services section of the facilities management division may  
67 assess a surcharge to recover actual costs and all expenses as specified in K.C.C.  
68 6.27.054.B.

69 SECTION 4. A. Section 5 of this ordinance proposes changes to the structure of  
70 fees currently charged for right-of-way construction permits by eliminating fee categories  
71 and establishing a new base fee.

72 B. These fees are established and assessed pursuant to K.C.C. 2.99.030.

73 SECTION 5. Ordinance 17515, Section 8, and K.C.C. 4A.675.030 are each  
74 hereby amended as follows:

75 ~~((The following fee schedule applies for the administrative costs and expenses of~~  
76 ~~processing a right-of-way construction permit:~~

77 ~~A. Pole lines, such as power and telephone:~~

78 ~~Every six poles or portion thereof: \_\_\_\_\_ \$200.00~~

79 ~~B. Water:~~

80 ~~Installing mains (1000 linear feet or less): \_\_\_\_\_ \$200.00~~

81 ~~Additional 1000 linear feet or fraction thereof: \_\_\_\_\_ \$180.00~~

82 ~~Excavation for connection: \_\_\_\_\_ \$200.00~~

83 ~~C. Sewer:~~

84 ~~Installation of mains (1000 feet or fraction thereof): \_\_\_\_\_ \$200.00~~

85 ~~Additional 1000 linear feet or fraction thereof: \_\_\_\_\_ \$180.00~~

86 ~~Excavation for connection: \_\_\_\_\_ \$200.00~~

87 ~~D. Cable or conduit:~~

88 ~~Installing cable or conduit (1000 feet or less): \_\_\_\_\_ \$200.00~~

89 Additional 1000 linear feet or fraction thereof: \$180.00

90 Excavation for connection: \$200.00

91 E. Gas or oil:

92 Installing mains (1000 linear feet or less): \$200.00

93 Additional 1000 feet or fraction thereof: \$180.00

94 Excavation for connection: \$200.00

95 F. Attachment to existing poles for every three attachments: \$140.00

96 G. Immediate response permit requests: In addition to the required permit fees

97 an additional fee of one hundred twenty dollars shall be charged.

98 H. Maintenance permits: Fees per number of connections:

99 1. 0 to 50 connections: \$200.00

100 2. 51 to 100 connections: \$250.00

101 3. 101 to 200 connections: \$300.00

102 4. 201 to 500 connections: \$400.00

103 5. 501 or more: \$450.00))

104 A. The right-of-way construction permit application fee for a party requesting a

105 permit under K.C.C. chapter 14.44, is two-hundred dollars, as specified in K.C.C.

106 14.44.040.A.

107 B. The real estate services section of the facilities management division may

108 assess a surcharge to recover actual costs and all expenses as specified in K.C.C.

109 14.44.040.B.

110 C. The total of the permit application fee under subsection A. of this section and  
111 the surcharge assessed under subsection B. of this section shall not exceed two-thousand  
112 dollars.

113 SECTION 6. Ordinance 17515, Section 11, and K.C.C. 4A.675.050 are each  
114 hereby amended as follows:

115 A. The ~~((fee for the administrative costs and expenses of))~~ application  
116 ~~((processing and coordinating))~~ fee for a party requesting a wireless right-of-way use  
117 agreement ~~((application))~~ as provided in K.C.C. 14.45.080, is five hundred dollars.

118 B. The real estate services section of the facilities management division may  
119 assess a surcharge to recover costs as specified in K.C.C. 14.45.080.B.

120 SECTION 7. Ordinance 17515, Section 13, and K.C.C. 4A.675.060 are each  
121 hereby amended as follows:

122 A. The annual use payment for continuing use of the county rights-of-way shall  
123 be as follows:

124	Type of Equipment/Facility within the right-of-way	Use Payment
125	Separate support structure (such as a monopole or lattice)	
126	used solely for wireless antenna, with antenna/receiver	
127	transmitter and/or equipment cabinet	\$5,000
128	Antenna/receiver transmitter (on an existing or replacement	
129	pole) and equipment cabinet	\$3,000
130	Antenna/receiver transmitter (on an existing or replacement	
131	pole) or equipment cabinet, but not both	\$2,000

132           B. For the purpose of this section, "replacement pole" means a new utility pole  
133 replacing an existing utility pole in the county right-of-way with no increase in the total  
134 number of utility poles in the right-of-way. Replacement poles provide extra capacity to  
135 support attached wireless telecommunications facilities.

136           C. All use payments prescribed by subsection A. [of this section] shall be  
137 automatically escalated annually, beginning January 1, 2001, and every year thereafter,  
138 ~~((for the change in the))~~ using the most recent available U.S. Department of Labor,  
139 Bureau of Labor Statistics Consumer Price Index for All Urban Consumers ("CPI-U") for  
140 the Seattle-Tacoma-Bremerton Statistical Metropolitan Area for the preceding calendar  
141 year. In the event the CPI-U (or a successor or substitute index) is no longer published, a  
142 reliable government or other non-partisan index of inflation selected by the county shall  
143 be used to calculate the adjusted amounts.

144           SECTION 8. Ordinance 10171, Section 1, as amended, and K.C.C. 6.27.054 are  
145 each hereby amended as follows:

146           A. A party requesting a new franchise, amended franchise, renewal, extension of  
147 an existing franchise or transfer shall pay a franchise application fee as set forth in K.C.C.  
148 4A.675.020. The fee is for reimbursement to the real estate services section of the  
149 facilities management division for the administrative costs and expenses incurred in the  
150 processing of the franchise application. The franchise application fee is payable at the  
151 time the application is filed with the clerk of the council. In addition, each applicant shall  
152 pay an advertising fee as set forth in K.C.C. 4A.675.020.B. Franchise application and  
153 advertising fees are not refundable, even if the application is disapproved.

154 B. The real estate services section may require applicants to reimburse the real  
155 estate services section for the actual costs and all expenses incurred by the real estate  
156 services section as a result of issuance, renewal, or amendment, extension or transfer of a  
157 franchise, to the extent the costs exceed the costs of processing the application recovered  
158 by the application fee. The payment of actual cost balances shall be made at the time of  
159 the franchise issuance.

160 C. All franchise application payments received shall be credited to the county  
161 current expense fund.

162 D. This section shall not apply to franchise applications, renewal, amendments or  
163 transfers made under the county's cable television regulations, K.C.C. chapter 6.27A.

164 SECTION 9. Ordinance 6254, Section 8, and K.C.C. 14.30.080 are each hereby  
165 amended as follows:

166 The manager of the (~~property services division~~) real estate services section and  
167 director of the applicable custodial department are authorized to enforce (~~the~~  
168 ~~provisions~~) of this chapter, (~~pursuant to~~) in accordance with K.C.C. Title 23.

169 SECTION 10. Ordinance 1711, Section 1, as amended and K.C.C. 14.44.010 are  
170 each hereby amended as follows:

171 The purpose of this chapter is to regulate the granting of right-of-way construction  
172 permits and to (~~insure~~) ensure that utility construction work undertaken pursuant to such  
173 permits is consistent with the applicant's right-of-way franchise from the county, the  
174 applicable district comprehensive plan, the critical areas code, the county comprehensive  
175 plan, sound engineering and design standards, health and sanitation regulations, and  
176 county standards for water mains and fire hydrants.



177            SECTION 11. Ordinance 1711, Section 2, as amended and K.C.C. 14.44.020 are  
178 each hereby amended as follows:

179            A. All construction work performed by franchised utilities, telephone and  
180 telegraph companies and within King County right-of-way shall require a right-of-way  
181 construction permit to be issued by the ~~((property services division))~~ real estate services  
182 section of the ~~((department of construction and facility))~~ facilities management~~((;~~  
183 ~~provided))~~ division, except that construction work undertaken by King County or under  
184 contract to King County or requested by King County due to new construction shall be  
185 exempted from this requirement. Construction work shall include, but not be limited to,  
186 the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum  
187 pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and  
188 any other such public and private utilities.

189            B. The department of transportation and all other county departments during the  
190 construction of capital improvement projects shall install vacant conduit reserved for the  
191 future installation of fiber optic cable in accordance with the county's I-Net and Wide  
192 Area Network Plans; all capital improvement projects not requiring trenching or  
193 modification to the subgrade, such as overlays and shoulder widening, shall be exempted  
194 from this requirement.

195            SECTION 12. A. Section 13 of this ordinance proposes to provide the real estate  
196 services section the ability to collect reimbursement for actual costs and expenses  
197 associated with issuing right of way construction permits and establishes a maximum fee.

198            B. These fees are established and assessed pursuant to K.C.C. 2.99.030.

199           SECTION 13. Ordinance 1711, Section 4, as amended and K.C.C. 14.44.040 are  
200 each hereby amended as follows:

201           A. Each application for a right-of-way construction permit requires a fee payable  
202 to the real estate services section as set forth in K.C.C. 4A.675.030 for the administrative  
203 costs and expenses of processing the application.

204           B. The real estate services section shall have the authority to require applicants to  
205 reimburse the real estate services section for the actual costs and all expenses incurred by  
206 the real estate services section as a result of issuance, renewal or amendment of a right-  
207 of-way construction permit, to the extent the costs and expenses exceed the costs of  
208 processing the application recovered by the application fee. The payment of actual costs  
209 shall be made at the time of permit issuance.

210           SECTION 14. Ordinance 1711, Section 7, as amended, and K.C.C. 14.44.070 are  
211 each hereby amended as follows:

212           A. The applicant, at the time of submitting an application for a right-of-way  
213 construction permit, shall notify all other public and private utility entities known to be  
214 using or proposing to use the same right-of-way of the applicant's proposed construction  
215 and the proposed timing of such construction. Any such an entity notified may, within  
216 seven days of such notification, request a delay in the commencement of such proposed  
217 construction for the purpose of coordinating other right-of-way construction with that  
218 proposed by the applicant.

219           B. The (~~property services division~~) real estate services section shall also  
220 coordinate the approval of right-of-way construction permits with county street  
221 improvements and maintenance and may delay the commencement date for the

222 applicant's right-of-way construction for ninety days or less, except in the case of  
223 emergencies, if it finds that such delay will reduce the inconvenience to county road users  
224 from construction activities, if it finds that such delay will not create undue economic  
225 hardship on the applicant, or if it finds that such delay will allow the county to install  
226 conduit for future installation of fiber optic cable.

227 C. The ~~((property services division))~~ real estate services section shall inform the  
228 department of transportation of all right-of-way construction permits issued.

229 D. The ~~((property services division))~~ real estate services section shall forward  
230 copies of all right-of-way construction permit applications for projects ~~((1,000))~~ one  
231 thousand feet or longer to the department of information and administrative services. The  
232 division of information technology services will determine within ~~((15))~~ fifteen working  
233 days whether the installation of conduit may be needed for the future installation of fiber  
234 optic cable to connect county or other public facilities.

235 SECTION 15. Ordinance 14264, Section 9, and K.C.C. 14.44.115 are each  
236 hereby amended as follows:

237 Concurrent with the annual submittal of the executive proposed budget, on or  
238 about October 1 of each year, a report shall be provided to the county council by the  
239 ~~((property services division))~~ real estate services section or its successor detailing  
240 performance measurements for each function within the permit and franchises section or  
241 its successor. The performance measurements shall include historical reporting for the  
242 current year-to-date and the preceding three years. The data reported is to include, but  
243 not be limited to: the number of permits and other transactions processed and the number  
244 of employees for each period; the average, longest and shortest periods of time for

245 permits processed by the division for each year; the criteria used to determine the value  
246 of easements and of annual fees for use of county property, demonstrating utilization of  
247 commonly accepted principles of real estate appraisal; and the appraisal reports and fee  
248 calculation formulas for easements and annual fees for uses for all fees assessed in excess  
249 of one thousand dollars.

250         SECTION 16. Ordinance 13734, Section 6, and K.C.C. 14.45.040 are each  
251 hereby amended as follows:

252         Wireless minor communication facilities shall only be located or constructed  
253 within King County rights-of-way after a right-of-way use agreement is issued by the  
254 ~~((property services division))~~ real estate services section of the ~~((department of~~  
255 ~~construction and facility))~~ facilities management division. ~~((Prior to))~~ Before issuing the  
256 agreement, the division shall ensure that the proposed facility is located, designed and  
257 proposed to be constructed in a manner that complies with all applicable county policies  
258 and codes, including but not limited to ~~((the provisions of)),~~ Ordinance 13734, zoning  
259 code, the county ~~((e))~~Comprehensive ~~((p))~~Plan, county road standards, and the  
260 Regulation for Accommodations of Utilities on county Roads Right-of-Way adopted by  
261 K.C.C. 14.44.060. Furthermore, the right-of-way use agreement shall only allow  
262 placement of wireless telecommunication facilities on improved and maintained county  
263 road rights-of-way.

264         SECTION 17. Ordinance 13734, Section 9, as amended, and K.C.C. 14.45.070  
265 are each hereby amended as follows:

266         The ~~((property services division))~~ real estate services section, roads services  
267 division of the department of transportation and the department of permitting and

268 environmental review shall coordinate review and inspection of the application for a  
269 right-of-way use agreement and, to the extent required, any zoning approvals, building  
270 permits and environmental review under the state Environmental Policy Act, as follows:

271 A. The ((~~property services division~~)) real estate services section shall coordinate  
272 the review by all departments of right-of-way use agreement applications.

273 B. The roads services division shall review and evaluate applications with respect  
274 to the hazard and risk of the proposed construction and location of the proposed  
275 construction in relation to other utilities in the right-of-way.

276 C. The department of permitting and environmental review shall review and  
277 evaluate all applications to determine consistency with respect to the standards and  
278 requirements of K.C.C. chapter 21A.26 and Ordinance 13734. The department shall also  
279 be the lead agency for purposes of any environmental review required under K.C.C.  
280 chapter 20.44.

281 SECTION 18. Ordinance 13734, Section 10, as amended, and K.C.C. 14.45.080  
282 are each hereby amended as follows:

283 A. The following fees shall be required for the administrative costs and expenses  
284 of processing and inspecting a wireless right-of-way use agreement application.

<b>Review Agency</b>	<b>Fee</b>
Real estate services section of the facilities management division (application processing and coordinating)	as set forth in K.C.C. 4A.675.050
Department of permitting and environmental review (zoning	as provided in

review)

K.C.C.

27.10.120

Road services division (inspection)

\$125 per hour

285       The application processing and coordination fee to recover the cost of processing  
286 the application by the real estate services section shall be paid thereto upon filing of the  
287 application, and is nonrefundable.

288       B. In addition, the real estate services section shall have the authority to require  
289 applicants to reimburse the real estate services section for actual costs and all expenses  
290 incurred by the real estate services section as a result of issuance, renewing or amending  
291 a wireless right-of-way use agreement under this chapter, to the extent the costs exceed  
292 the costs of processing the application recovered by the application processing and  
293 coordination fee. The payment of actual cost balances shall be made at the time the  
294 wireless right-of-way use agreement is executed.

295       SECTION 19. Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090 are  
296 each hereby amended as follows:

297       A. The (~~property services division~~) real estate services section shall coordinate  
298 the review by all departments of permit applications.

299       B. The department responsible for the management of the property to be affected  
300 shall review and evaluate applications with respect to the hazard and risk of the proposed  
301 construction or use; location of the proposed construction or use in relation to other  
302 facilities using the property; the adequacy of the engineering and design of the proposed  
303 construction or use; and applicable federal, state, county and local laws and regulations.

304 C. The Seattle-King County department of public health shall review and  
305 evaluate applications for the construction of waterworks, except for domestic service  
306 connections, to determine consistency with state and local health and sanitation  
307 regulations.

308 D. The King County fire marshal shall review and evaluate applications for the  
309 construction of waterworks to determine consistency with county standards for water  
310 mains and fire hydrants.

311 E. All applications for the construction of sewer or water facilities must be  
312 certified by the department of permitting and environmental review as consistent with a  
313 sewer or water comprehensive plan approved by the county council pursuant to K.C.C.  
314 chapter 13.24.

315 F. In any case, the (~~property services division~~) real estate services section shall  
316 forward the application to the department for recommendations on critical area issues and  
317 the (~~property services division~~) real estate services section shall be responsible for  
318 assuring that any application meets the requirements of K.C.C. chapter 21A.24 and the

319 administrative rules promulgated thereunder before the permit is issued.

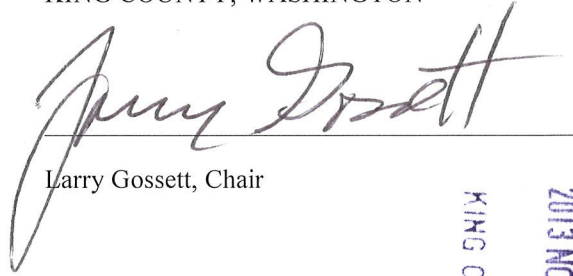
320 SECTION 20. This ordinance takes effect January 1, 2014.

321

Ordinance 17691 was introduced on and passed as amended by the Metropolitan King County Council on 11/4/2013, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr.  
Dembowski  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



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Larry Gossett, Chair

ATTEST:



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Anne Noris, Clerk of the Council

APPROVED this 14<sup>th</sup> day of November, 2013.



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Dow Constantine, County Executive

Attachments: None

RECEIVED  
2013 NOV 14 PM 4: 07  
CLERK  
KING COUNTY COUNCIL